

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By **VICE CHAIRMAN SCOTT MENDENHALL**, on April 1, 2003 at 3:00 P.M., in Room 472 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Eileen J. Carney, Vice Chairman (D)  
Rep. Scott Mendenhall, Vice Chairman (R)  
Rep. Arlene Becker (D)  
Rep. Rod Bitney (R)  
Rep. Larry Cyr (D)  
Rep. Ronald Devlin (R)  
Rep. Gary Forrester (D)  
Rep. Ray Hawk (R)  
Rep. Hal Jacobson (D)  
Rep. Jesse Laslovich (D)  
Rep. Bob Lawson (R)  
Rep. Rick Maedje (R)  
Rep. Penny Morgan (R)  
Rep. Alan Olson (R)  
Rep. Holly Raser (D)

**Members Excused:** Rep. Mark Noennig, Chairman (R)

**Members Absent:** None.

**Staff Present:** Connie Erickson, Legislative Branch  
Mari Prewett, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp in these minutes appears at the end of the content it refers to.

**Committee Business Summary:**

Hearing & Date Posted: SB284, SB 340, SB 343, SB 370, SB 393, 3/7/2003  
Executive Action: SB 112, SB 284, SB 340, SB 343, SB 370, SB 393, SB 246

**HEARING ON SB 393**

**Sponsor:** SEN. SAM KITZENBERG, SD 48, Glasgow.

**Opening Statement by Sponsor:**

**SEN. KITZENBERG** stated that SB 393 was a simple bill which would offer more options in the ways for a county to sell county land. He then walked the Committee through the bill explaining the pertinent sections.

**Proponents' Testimony:** None

**Opponents' Testimony:**

**Don Hargrove, Gallatin County,** stated that Gallatin County wanted to be on record as opposing SB 393. He pointed out that there were only a couple of places in the state that the bill would help. He continued that the objective was good, the problem was in the wording. **Mr. Hargrove** refers to the bill and the wording that Gallatin County was concerned about and the possibility of litigation.

**Informational Testimony:**

**Gordon Morris, Montana Association of Counties,** informed the Committee that he would be available for questions.

**Questions from Committee Members and Responses:**

**REP. CARNEY** asked Mr. Morris if the issue was widespread or not common. **Mr. Morris** responded that the sale of county public land has only happened once or twice in the last twenty years.

**REP. HAWK** asked SEN. KITZENBERG how they would put a minimum bid on the property. **SEN. KITZENBERG** replied that they would obtain an appraisal.

**REP. LASLOVICH** asked Mr. Morris if SB 393 would open up a can of worms. **Mr. Morris** responded that he did not see a problem.

**REP. MAEDJE** asked SEN. KITZENBERG if the bill required the property to be in the county's name. **SEN. KITZENBERG** deferred to SEN. WHEAT for an answer.

**REP. MAEDJE** asked SEN. WHEAT if when a county foreclosed on property if they took title to that property, and if it was part

of the issue addressed by the bill. **SEN. WHEAT** replied that he did not know.

**Ms. Erickson** informed REP. MAEDJE that it would be county property.

**Closing by Sponsor:**

**SEN. KITZENBERG** remarked that he was carrying out the wishes of the Eleanore Pratt the County Commissioner from his district. He stated that he did not see any major legal implications arising from passage of the bill. He concluded by indicating that there would be no fiscal impact created by the bill.

***{Tape: 1; Side: A; Approx. Time Counter: 0 - 20.7}***

**HEARING ON SB 370**

**Sponsor:** **SEN. KELLY GEBHARDT, SD 4, Roundup.**

**Opening Statement by Sponsor:**

**SEN. GEBHARDT** stated that SB 370 provided that inmates would be responsible for payment of their own medical expenses while they were incarcerated. He further explained that if the inmates were unable to pay for these costs the county would then have to pay them.

**SEN. GEBHARDT** distributed copies of a proposed amendment to the Committee, attached as Exhibit 1, which he explained in detail.

**EXHIBIT**(loh69a01)

**Proponents' Testimony:**

**Dennis McCave, Captain, Yellowstone County Sheriff's Office,** stated that SB 370 had been originated to cleanup the language in SB 208 that had been passed in 1995. He explained that the purpose for the bill was to require inmates to pay for pre-existing and self-inflicted injuries while they were incarcerated in detention facilities. He informed the Committee that he had found the necessary language for clarification in already existing law in Oklahoma and Wyoming.

***{Tape: 1; Side: A; Approx. Time Counter: 20.7 - 29.4}***

**Kathy Frame, representing Sheriff Dupont, Flathead County,** stated that they supported SB 370. She expressed their opinion that

because someone was arrested they did not have the right to free medical care. She went on to discuss the Medicaid reimbursement rate and its affect on Flathead County.

**Mike McMeekin, Sheriff/Coroner, Missoula County**, spoke in support of SB 370. **Sheriff McMeekin's** written testimony is attached as Exhibit 2.

**EXHIBIT (loh69a02)**

**Bill Kennedy, Yellowstone County Commissioner**, expressed his support for SB 370. **Mr. Kennedy** explained that they would support either the proposed Medicaid reimbursement rate or a negotiated rate with the hospitals. He continued that either rate would help the counties with the cost of medical care.

**Gordon Morris, Montana Association of Counties**, discussed the fiscal note and the related savings should SB 370 pass.

**Bob Olson, MHA**, stated that they would support SB 370 with the condition that the amendment would be adopted.

**Don Hargrove, Gallatin County**, stated that they stood in strong support of the bill.

**Jim Smith, Sheriff's Association**, expressed support of SB 370.

Opponents' Testimony: None

Informational Testimony: None

*{Tape: 1; Side: B; Approx. Time Counter: 0 - 8.7}*

Questions from Committee Members and Responses:

**REP. MAEDJE** and **Captain McCave** discussed Section 2, Page 2, Line 5 and Page 2, Line 16.

*{Tape: 1; Side: B; Approx. Time Counter: 8.7 - 12.3}*

**REP. FORRESTER** referred Captain McCave to an incident that had occurred in Billings where an individual had been shot by a local law enforcement officer and asked who would be responsible for the medical costs. **Captain McCave** replied that the individual would have been responsible as he had not been arrested for resisting

arrest until after he had been released from the hospital. **REP. FORRESTER** and **Captain McCave** further discussed the incident in Billings.

*{Tape: 1; Side: B; Approx. Time Counter: 12.3 - 14.6}*

**REP. MENDENHALL** and **Bob Olson** discussed Medicaid reimbursement issues.

*{Tape: 1; Side: B; Approx. Time Counter: 14.6 - 17.5}*

**REP. MENDENHALL** asked Captain McCave if the bill applied only to nonprofit hospitals or if for-profit healthcare providers could be involved with the bill. **Captain McCave** responded that any services they received from private pay facilities had to be paid for or they would not get the service. He continued that the bill was designed specifically for nonprofit healthcare providers.

**REP. MENDENHALL** asked Bill Kennedy about Page 2, Line 26 and it not distinguishing between nonprofit and for-profit healthcare facilities. **Mr. Kennedy** stated that a majority of the hospitals in the State of Montana are nonprofit. He went on to say that even those that are mainly for-profit have a portion of their facility that is nonprofit.

**REP. MENDENHALL** asked Mr. Kennedy if there was anything in the bill that would distinguish between a nonprofit or for-profit hospital. **Mr. Kennedy** replied that he was correct and explained why.

**REP. LAWSON** asked Mr. Kennedy to explain Subsection 6 on Page 3 as he considered it out of character. **Mr. Kennedy** deferred to Captain McCave for the answer. **Captain McCave** stated that there was no question it was out of character.

**Closing by Sponsor:**

**SEN. GEBHARDT** recommended that the Committee concur in SB 370 and also concur in the amendments.

*{Tape: 1; Side: B; Approx. Time Counter: 17.5 - 24.1}*

**HEARING ON SB 284**

**Sponsor:** SEN. MIKE WHEAT, SD 14, Bozeman.

**Opening Statement by Sponsor:**

**SEN. WHEAT** stated that SB 284 would modify the manner in which claims that were submitted to a county would be investigated, approved, disapproved and paid. He proceeded to walk the Committee through the bill. He continued that SB 284 would set up procedures to prevent delays in vendors being paid.

**{Tape: 2; Side: A; Approx. Time Counter: 0 - 5}**

**Proponents' Testimony:**

**Jennifer Blossom, County Auditor, Gallatin County**, explained that under current law there were no time lines for paying vendors. She discussed of the procedure for denying claims and a claim that was presenting in litigation. She pointed out that SB 284 would set time lines which would protect all involved. She concluded by saying that she supported the bill with the amendments.

**Mona Jamison, representing Gallatin County**, stated that SB 284 was supported by both the County Auditor and Commissioners. She remarked that the bill clarified time lines which made it fair to the claimants.

**Gordon Morris, Montana Association of Counties**, spoke in support of SB 284.

**Opponents' Testimony:**

**Barbara Berens, Auditor, Missoula County**, stated that she felt that SB 284 was an unwarranted Legislative response to a problem in one area of the State. She discussed the process used in Missoula. **Ms. Berens** expressed her objections to the bill and pointed out that she felt it was a bureaucratic time waster.

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. BECKER** asked **SEN. WHEAT** if she was correct in assuming that at the present time the County Commissioners had no authority over the payment of claims. **SEN. WHEAT** replied that she was correct.

**REP. MAEDJE** asked Mona Jamison if the contents of an investigation of a claim would be public information. **Ms. Jamison** responded that she did not know for sure.

**REP. MAEDJE** asked Ms. Jamison if the word "claims" was a precursor to a cause of action. **Ms. Jamison** stated that the word "claim" did not mean judicial action, it means the bill.

**REP. MAEDJE** asked Ms. Jamison if there was an obligation of the part of the Auditor or the claimant to reveal information to the other. **Ms. Jamison** responded that she could not answer as she would be speculating or guessing.

**REP. MAEDJE** asked **SEN. WHEAT** to answer the question he had asked of Ms. Jamison. **SEN. WHEAT** replied that they were talking about bills. He proceeded to explain the procedure by which the Auditor would either pay or deny the bill.

**REP. MENDENHALL** asked Gordon Morris if every county had a Policy and Procedures Manual. **Mr. Morris** responded that they had tried hard and if they weren't there they were close.

**REP. MENDENHALL** asked Mr. Morris if the handling and payment of claims routinely covered in a Policy and Procedures Manual. **Mr. Morris** replied that it was not that they did not include anything to do with the handling of claims.

**REP. MENDENHALL** asked Mr. Morris, "Why?" **Mr. Morris** responded that it had never occurred to anyone that it was something that was needed in a policy manual.

**REP. JACOBSON** referred Jennifer Blossom to a bill that had been presented two years ago dealing with auditors appealing district court decisions as a final result in the adjudication process. He asked her if she had any concerns as to who paid for the court costs. **Ms. Blossom** stated that it was not a concern of hers.

**Closing by Sponsor:**

**SEN. WHEAT** stated that he felt SB 284 was a good bill because it would set up procedural guidelines for people with claims against the county and the people within the county that would review and investigate the claims. He continued that it would involve the county commissioners into the process. He concluded by urging concurrence in the bill.

**{Tape: 2; Side: A; Approx. Time Counter: 5 - 26.7}**

**HEARING ON SB 340**

**Sponsor:** SEN. DUANE GRIMES, SD 20, Clancy.

**Opening Statement by Sponsor:**

**SEN. GRIMES** stated that SB 340 would clarify what a growth policy was or was not. He went on to say that it would clarify whether it was regulatory or non-regulatory and would eliminate definitive time lines. **SEN. GRIMES** distributed an amendment for the Committee's consideration, attached as Exhibit 3. He continued by explaining the proposed amendments. **SEN. GRIMES** referred to the last page of the bill and pointed out that it would get rid of the one-year time frame and allow more time to implement the growth policies.

**EXHIBIT**(loh69a03)

**Proponents' Testimony:**

**Linda Stoll, Montana Association of Planners**, expressed her support of the bill with the sponsor's amendments. She continued that it would make certain that growth policies were not regulatory.

**Jim Barrett, Park County Environmental Council**, spoke in support of SB 340 with the amendments.

**Terry Murphy, Vice-Chairman, Jefferson County Planning Board**, informed the Committee that they had requested the bill. He stated that SB 340 would do what they needed with the addition of the amendments.

**Jennifer Madgic, Planning Director, Gallatin County**, urged the Committee to support the bill and the proposed amendments.

**Tim Davis, Montana Smart Growth Coalition**, commented that they supported the bill with the amendments. **Mr. Davis** presented the Committee with written testimony in support of the bill from Doris Fischer, Robert Horne and Ramona Mattix, attached as Exhibits 4, 5 and 6 respectively.

**EXHIBIT**(loh69a04)

**EXHIBIT**(loh69a05)

**EXHIBIT**(loh69a06)

**Jim Kimble, on behalf of the Montana Association of Land Surveyors**, remarked that they liked the tone of the bill. He



went on to say that they liked to see growth policy that actually set policies, zoning that installed the policies and subdivision rules that stuck to the technical aspects of subdivisions.

**Mona Jamison, Gallatin County**, stated that they strongly supported SB 340. She continued that they believed that a growth policy was a road map and urged their support.

**Michele Reinhart, Northern Plains Research Council**, spoke in support of SB 340 with the amendments.

**Phyllis Brookshire, representing herself**, expressed her support of the bill.

**Mary Clark, representing herself**, stated that with the amendments she supported SB 340.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. FORRESTER** asked SEN. GRIMES the name of the Senator that had added the amendment to the bill. **SEN. GRIMES** deferred to Ms. Stoll for the answer. **Ms. Stoll** responded that only one amendment had been added in the Senate and referred to Page 1, Line 24.

**REP. FORRESTER** asked SEN. GRIMES if the Senate would reject the proposed amendments if they were added. **SEN. GRIMES** responded that he did not believe so and explained why he felt that way.

A fax from James Tylor, Tech-neT, Ltd. was distributed to the Committee in support of SB 340, attached as Exhibit 7.

**EXHIBIT**(loh69a07)

**Closing by Sponsor:**

**SEN. GRIMES** explained that SB 340 was a good bill that needed to move forward.

***{Tape: 2; Side: B; Approx. Time Counter: 0 - 20.3}***

**HEARING ON SB 343**

**Sponsor:** SEN. RICK LIABLE, SD 30, Victor.

**Opening Statement by Sponsor:**

**SEN. LIABLE** stated that the bill pertained to Part I Zoning of Title 76. He went on to say that Part I Zoning was a way for neighborhoods and communities to get together on a voluntary basis to zone themselves. Small landowners and large landowners can work together and have some predictability in the development of their neighborhoods. He pointed out that it was a good program for small landowners who desire predictability for the development of adjacent farmers pastures. At the same time it is good for the farmer who could have input into the zoning of his land. **SEN. LIABLE** read from a letter he had received in support of the bill for the record. **SEN. LIABLE** discussed a conceptual amendment he was proposing and explained the intent of that conceptual amendment. He concluded by asking the Committee for their support for SB 343.

REP. MORGAN left the hearing.

***{Tape: 2; Side: B; Approx. Time Counter: 20.3 - 27.6}***

***{Tape: 3; Side: A; Approx. Time Counter: 0 - 2.5}***

**Proponents' Testimony:**

**Steve Pilcher, Deputy Vice President, Montana Stockgrowers Association**, expressed his support of SB 343 and also expressed the support of John Youngberg, Montana Farm Bureau Federation. **Mr. Pilcher** discussed planning, zoning and landowners input in the process. He pointed out that their support was contingent on the amendments being added to the bill.

**Quincy Orhai, representing himself**, presented the Committee with a handout for their information, attached as Exhibit 8. **Mr. Orhai** talked about the background of zoning districts. He expressed his opinion that SB 343 would restore fair play and justice to the zoning problems.

**EXHIBIT (loh69a08)**

**Phil Olson, representing himself**, stated that his principal reason for attending the hearing was to try to protect the land value of the agricultural folks. He continued that he felt that zoning districts were developed to restrict or eliminate development on agricultural land. **Mr. Olson** distributed two handouts to the Committee, attached as Exhibits 9 and 10, which

he discussed and explained. He concluded by reiterated that all he was trying to do was protect the landowners and he supported the bill with the amendments.

**EXHIBIT (loh69a09)**

**EXHIBIT (loh69a10)**

**Opponents' Testimony:**

**Don Hargrove, Gallatin County**, stated he was opposed to SB 343. **Mr. Hargrove** referred to 76-2-902 and 76-2-903 and read a portion of the statutes into the record. He stated that people had the right to farm in Montana. He went on to discuss Title 7. He concluded by expressing his concerns that SB 343 was a solution looking for a problem.

**Linda Stoll, Montana Association of Planners**, discussed Part I Zoning and how it was being amended under SB 343.

**Terry Murphy, Cardwell**, declared that he opposed SB 343 as it had been received. He stated that present law was working well and should be left as it is. He pointed out that with the amendments to SB 343 it would still be workable. **Mr. Murphy** told the Committee a story from his community that related to the bill.

***{Tape: 3; Side: A; Approx. Time Counter: 2.5 - 29.6}***

**Tim Davis, Montana Smart Growth Coalition**, distributed a letter from Ben Green in opposition to SB 343, attached as Exhibit 11. He went on to explain the situation that Mr. Green found himself in regarding zoning. He then discussed existing law, that is already too difficult, and the fact that the bill would make the law even more difficult. He continued by talking about 76-2-601 and how zoning districts were adopted.

**EXHIBIT (loh69a11)**

**Jennifer Madgic, Gallatin County Planning Department**, passed out some handouts regarding zoning regulations from one of Gallatin Counties citizen negotiated zoning districts, attached as Exhibits 12, 13 and 14. She went on to discuss the citizen negotiated zoning districts in Gallatin County and the processes followed by them. She further discussed zoning in Gallatin County in general and whether or not it was wise to change the statutes.

**EXHIBIT (loh69a12)**

**EXHIBIT (loh69a13)**

**EXHIBIT (loh69a14)**

**Gordon Brittan, Livingston**, spoke in opposition to SB 343. **Mr. Brittan** presented the Committee with a copy of his written testimony which is attached as Exhibit 15.

**EXHIBIT (loh69a15)**

**Phyllis Brookshire**, expressed her opposition to the bill.

**Rick Gibson**, stated that he opposed the bill as originally drafted but would grudgingly support it with the conceptual amendments.

**Jim Barrett, Park County**, spoke in opposition of the bill and indicated that he felt the law was just fine and should be left alone.

**Mary Clark, Helena**, stated that she opposed the bill as she felt it was hard to work with in its present form.

**Michele Reinhart, Northern Plains**, expressed her opposition to the bill.

**Charlie Rahn, Livingston**, stated that all that we have to pass on to future generations is the land, therefore, he was opposed to SB 343.

**Informational Testimony:**

**Harold Stepper, Jefferson County Planner and Zoning Administrator**, stated that he would be available for questions.

**Questions from Committee Members and Responses:**

**REP. MAEDJE** and **SEN. LAIBLE** discussed the bill as it would read with the conceptual amendments and the effects of those amendments to all involved.

**REP. MAEDJE** asked Terry Murphy about his statement that the amendments would make the bill workable. **Mr. Murphy** stated that he preferred the current law but with the amendments the bill would still work for people.

**REP. MAEDJE** asked **Don Hargrove** about his comments regarding using the courts to take care of their problems. **Mr. Hargrove** replied that in situations where folks were trying to take away the rights of a farmer to farm, they were already protected as there were statutes which prevented it from happening.

**REP. MAEDJE** and **Mr. Hargrove** discussed the percentage rates addressed in SB 343.

**REP. RASER** asked **SEN. LAIBLE** if he had approached the County Commissioners with making the change suggested in SB 343. **SEN. LAIBLE** responded that he had not.

**REP. RASER** asked **SEN. LAIBLE** why he had not approached the County Commissioners. **SEN. LAIBLE** replied that in his County was where the problem had surfaced, regarding hobby ranchers surrounding a rancher/farmer with open space and being zoned agricultural. He went on to say that since the County Commissioners had approved it, therefore, he felt it was better to address the problem as it would relate to the whole State.

**REP. RASER** asked **SEN. LAIBLE** if any of her concerns had come up in the Senate hearings. **SEN. LAIBLE** replied that they had not.

**REP. RASER** asked Steve Pilcher if he found current law a problem. **Mr. Pilcher** replied that between the time the bill was heard in the Senate Committee and the present there had been changes and the amendment to the bill had addressed the problem.

**REP. MENDENHALL** asked Mr. Stepper if he would clarify the difference between "affected freeholders" and "freeholders representative of 60 percent of the titled ownership." **Mr. Stepper** replied that it was a difference between "freeholders" as an individual or "freeholders" as an individual based on acreage of land. **REP. MENDENHALL** and **Mr. Stepper** discussed the problems that could arise under the bill and the people being more involved in zoning in their County.

*{Tape: 3; Side: B; Approx. Time Counter: 0 - 26}*

**REP. MENDENHALL** asked Mr. Murphy to comment on the value of the property in his agricultural zoning district. **Mr. Murphy** stated that very little had changed hands. He went on to say that the agricultural land would probably never sell at subdivision price. He then pointed out that agricultural land in large blocks would demand premium prices from wealthy investors, as the wealthy investors were interested in keeping large blocks open.

**Closing by Sponsor:**

**SEN. LAIBLE** stated that SB 343 was brought forward for large landowners, surrounded by hobby farmers that do not want the land to ever be developed. **SEN. LAIBLE** discussed the conceptual amendment and how it would force small and large landowners to

work together so that no one is taken advantage of. He then discussed the percentages addressed by the amendment and the need for a higher benchmark. **SEN. LAIBLE** continued saying that the amendment to SB 343 would allow ranchers, that have large blocks of land, to stay on their land, but by the same token it would not sentence them to a lifetime of farming. He concluded by further explaining the bill and the amendments and urging the Committee to support SB 343.

*{Tape: 4; Side: A; Approx. Time Counter: 0 - 9.8}*

**Motion:** REP. LASLOVICH moved SB 112 BE TAKEN OFF OF THE TABLE FOR RECONSIDERATION.

**Discussion:**

REP. LASLOVICH explained the reason he was asking to reconsider the bill.

**Vote:** Motion SB 112 BE TAKEN OFF OF THE TABLE carried 10-1 with REP. HAWK voting no.

**Motion:** REP. LASLOVICH moved that SB 112 BE CONCURRED IN.

**Motion/Vote:** REP. LASLOVICH moved THAT AMENDMENT 11202 BE STRIPPED FROM SB 112 . Motion carried unanimously by voice vote by member present.

**Motion:** REP. LASLOVICH moved that SB 112 BE AMENDED.

**EXHIBIT**(loh69a16)

**Discussion:**

REP. LASLOVICH explained the amendments, attached as Exhibit 16, and how they would effect the bill.

**Vote:** Motion SB 112 BE AMENDED carried 16-0 by voice vote with REPS. JACOBSON and CYR voting aye by proxy.

**Motion:** REP. LASLOVICH moved that SB 112 BE CONCURRED IN AS AMENDED.

**Discussion:**

REP. BECKER asked if the Senate had any objection to the fifty cent fee and the two accounts. REP. LASLOVICH responded that the money that went into the Fish and Game account would be from the

fifty cent fee on Conservation Licenses. He continued that the other account would be from the other fees and could be used for anything.

**REP. A. OLSON** asked **REP. LASLOVICH** if someone got lost and it was called in if they would be asked if the lost person had a conservation license. **REP. LASLOVICH** replied that he did not think so.

**REP. DEVLIN** discussed the two proposed accounts and indicated he thought it was a good amendment.

**Vote:** Motion that SB 112 BE CONCURRED IN AS AMENDED carried 15-1 with **REP. HAWK** voting no REPS. **NOENNIG, JACOBSON, MORGAN, BITNEY** and **CYR** voting aye by proxy.

**REP. LASLOVICH** will carry SB 112 on the floor of the House.

*{Tape: 4; Side: A; Approx. Time Counter: 9.8 - 21.3}*

#### EXECUTIVE ACTION ON SB 246

**Motion:** **REP. A. OLSON** moved that SB 246 BE CONCURRED IN.

**Motion:** **REP. A. OLSON** moved that SB 246 BE AMENDED.

**EXHIBIT**(loh69a17)

#### **Discussion:**

**Connie Erickson, Legislative Services**, stated that the amendment had been requested by **CHAIRMAN NOENNIG**. She then proceeded to explain the amendments, attached as Exhibit 17.

**Vote:** Motion TO AMEND SB 246 carried 16-0 by voice vote with **REPS. CYR** and **JACOBSON** voting aye by proxy.

**Motion/Vote:** **REP. A. OLSON** moved that SB 246 BE CONCURRED IN AS AMENDED. Motion carried 16-0 by voice vote with **REPS. CYR** and **JACOBSON** voting aye by proxy.

**CHAIRMAN NOENNIG** will carry SB 246 on the floor of the House.

**Vote:** Motion TO PLACE SB 246 ON THE CONSENT CALENDAR carried unanimously by voice vote by members present.

*{Tape: 4; Side: A; Approx. Time Counter: 21.3 - 26.2}*

**EXECUTIVE ACTION ON SB 284**

**Motion:** REP. LASLOVICH moved that SB 284 BE CONCURRED IN.

**Discussion:**

REP. MENDENHALL asked about the testimony from Ms. Berens that this was an isolated situation and should be handled within policies and procedures. REP. CARNEY responded that she felt it was the same.

REP. BECKER stated that it was not the same as it added the County Commissioners.

REP. RASER referred to Page 2, Line 18 and asked if the testimony called for could be written testimony. Ms. Erickson responded that the bill did not specify whether the testimony would be written or oral.

REP. RASER stated that if they should try to fix problems at the local level rather than by statute.

REP. A. OLSON stated that he felt time frames should be added and the County Commissioners should be involved.

REP. DEVLIN pointed out that if the Auditors and County Commissioners had a good working relationship the bill would not hurt. He went on to say that the bill would prevent problems that could arise.

REP. MENDENHALL expressed his support of the bill. He stated it created a reasonable claims system for counties.

**Vote:** Motion that SB 284 BE CONCURRED IN carried 15-0 by roll call vote with REP. RASER voting no and REPS. MORGAN, NOENNIG, JACOBSON and CYR voting aye by proxy.

**EXECUTIVE ACTION ON SB 340**

**Motion:** REP. BECKER moved that SB 340 BE CONCURRED IN.

**Motion:** REP. BECKER moved that SB 340 BE AMENDED.

**Discussion:**

Ms. Erickson discussed the amendments which are attached as Exhibit 3.



**Vote:** Motion that AMENDMENTS TO SB 340 BE CONCURRED IN carried 16-0 by voice vote with REPS. CYR and JACOBSON voting aye by proxy.

**Motion:** REP. BECKER moved that SB 340 BE CONCURRED IN AS AMENDED.

**Discussion:**

**Ms. Erickson** discussed the bill and the coordination amendment.

**REP. DEVLIN** and **Ms. Erickson** discuss what would occur should they add a coordination amendment to the bill.

**REP. A. OLSON** and **Ms. Erickson** discussed the possibility of tabling or taking no action on the bill and what would happen at that point.

**REP. BITNEY** asked **Ms. Erickson** the difference between a Conference Committee and a Free Conference Committee. **Ms. Erickson** replied that a Conference Committee could only consider the disputed amendments, however, a Free Conference Committee would consider the bill in its entirety.

**REP. BITNEY** asked if the decision of the type of committee was a leadership decision or a committee decision. **Ms. Erickson** responded that she thought it was a leadership decision in conjunction with the sponsor of the bill.

**REP. DEVLIN** suggested that the Committee write a coordinating instruction that would conflict with the other bill in question.

**Motion:** REP. DEVLIN moved TO FURTHER AMEND SB 340 BY ADDING A COORDINATION INSTRUCTION.

**Discussion:**

**Ms. Erickson** read the proposed conceptual coordination instruction to the Committee.

**Vote:** Motion TO FURTHER AMEND 340 BY ADDING A COORDINATION INSTRUCTION carried 14-2 by voice by voice vote with REPS. FORRESTER and A. OLSON voting no and REPS. CYR and JACOBSON voting aye by proxy.

**Motion/Vote:** REP. DEVLIN moved that SB 340 BE CONCURRED IN AS FURTHER AMENDED. Motion carried 13-3 by voice vote with REPS.

**FORRESTER, HAWK and A. OLSON** voting no and **REPS. CYR and JACOBSON** voting aye by proxy.

REP. DEVLIN will carry SB 340 on the floor of the House.

*{Tape: 4; Side: B; Approx. Time Counter: 0 - 21.7}*

**EXECUTIVE ACTION ON SB 343**

**Motion/Vote:** REP. CARNEY moved that SB 343 BE TABLED. Motion failed 7-9 with REPS. BECKER, LASLOVICH, LAWSON, RASER and CARNEY voting aye and REPS. CYR and JACOBSON voting aye by proxy.

**Motion:** REP. DEVLIN moved that SB 343 BE CONCURRED IN.

**Motion:** REP. DEVLIN moved that SB 343 BE AMENDED.

**Discussion:**

REP. DEVLIN discussed the proposed conceptual amendments and explained how they would fit into the bill.

**Vote:** Motion that SB 343 BE AMENDED carried 15-1 by voice vote with REP. RASER voting no and REPS. CYR and JACOBSON voting aye by proxy.

**Motion:** REP. DEVLIN moved that SB 343 BE CONCURRED IN AS AMENDED.

**Discussion:**

REP. BECKER stated that she would vote no on the bill as it only related to one place.

REP. RASER remarked that she had problem with the bill in that it had been amended five minutes before the hearing began and the public had no knowledge of the proposed amendments. She went on to say that in good faith she could not vote for the bill.

*{Tape: 4; Side: B; Approx. Time Counter: 21.7 - 26.3}*

REP. MENDENHALL asked Connie Erickson if the language on Line 15 was typical or problematic. Ms. Erickson responded that she could see where there could be difficulties and explained why.

REP. MENDENHALL and Ms. Erickson continued to discuss the language and the problems created by the petition options.

**REP. MENDENHALL** and **REP. DEVLIN** further discussed the petitions for zoning and the percentages involved in the process.

**Vote:** Motion that SB 343 BE CONCURRED IN AS AMENDED failed 7-9 by roll call vote with REPS. BITNEY, DEVLIN, HAWK, MAEDJE, OLSON and MENDENHALL voting aye and REP. MORGAN voting aye by proxy.

**Motion/Vote:** REP. LASLOVICH moved THAT THE VOTE BE REVERSED AND SB 343 BE TABLED. Motion carried unanimously by those members present.

*{Tape: 5; Side: A; Approx. Time Counter: 0 - 8.4}*

**EXECUTIVE ACTION ON SB 370**

**Motion:** REP. LASLOVICH moved that SB 370 BE CONCURRED IN.

**Motion:** REP. HAWK moved that SB 370 BE AMENDED. See attached Exhibit 1.

**Motion:** REP. FORRESTER moved AMENDMENT NUMBER 4 OF SB 370 BE SEGREGATED.

**Discussion:**

**REP. FORRESTER** remarked that he felt 85% was too high and they should insert 75% for the Medicaid reimbursement rate or which ever is higher.

**REP. MENDENHALL** asked REP. FORRESTER to explain what he was trying to do procedurally. **REP. FORRESTER** responded that he wanted to strike the "85%" and insert "70%."

**Connie Erickson** stated that what she felt was being proposed was that the language would read, "the Medicaid reimbursement rate or 70% of the providers customary charges, whichever was greater."

**REP. BITNEY** and **REP. FORRESTER** discussed whether or not Number 4 of the amendment needed to be segregated in order to make the change.

**Vote:** Motion THAT AMENDMENT 4 of SB 370 BE SEGREGATED carried unanimously by those members present.

**Motion/Vote:** REP. RASER moved AMENDMENTS 1, 2, 3 AND 5 OF SB 370. Motion carried 14-0 by voice vote with REPS. CYR and JACOBSON voting aye by proxy.

**Motion:** REP. FORRESTER moved AMENDMENT 4 of SB 370.

**Discussion:**

**Ms. Erickson** explains where the amendment would occur and how it would read. She stated that following "Medicaid reimbursement rate" the phrase "or 70% of the providers customary charges, whichever is greater" would be inserted.

**REP. LAWSON** expressed his concern that they had left out the negotiated rates portion.

**Bob Olson** responded that they had agreed to leave three options open to pay the claims. One would be the greater of Medicaid rates or 70% of the customary charges. He went on to say that a third option had been agreed to and that was the negotiated rate. He explained that the reason for that option was that the customary charge and Medicaid rate would take care of the hospitals and the negotiated rate would take care of the other medical providers.

**REP. OLSON** and **Mr. Olson** further discussed how the payment options would work in dealing with the medical providers.

**REP. MENDENHALL** expressed his thoughts regarding the amendment and its relationship to medical providers.

**REP. FORRESTER** stated that private medical providers would be paid their full rate unless a negotiated contract had been entered into.

**Vote:** Motion that AMENDMENT 4 TO SB 370 BE CONCURRED IN carried 13-1 by voice vote with REP. LASLOVICH voting no and with REPS. CYR and JACOBSON voting aye by proxy.

**Motion/Vote:** REP. DEVLIN moved that SB 370 BE CONCURRED IN AS AMENDED. Motion carried 16-0 with REPS. NOENNIG, MORGAN, CYR and JACOBSON voting aye by proxy.

REP. FORRESTER will carry SB 370 on the floor of the House.

*{Tape: 5; Side: A; Approx. Time Counter: 8.4 - 22}*

**EXECUTIVE ACTION ON SB 393**

**Motion:** REP. CARNEY moved that SB 393 BE CONCURRED IN.

**Discussion:**

REP. FORRESTER asked if an answer on the reason the bill had been brought forward had been received by anyone. REP. MENDENHALL replied that to his knowledge they had not received an answer.

REP. CARNEY responded that the County Commissioner felt that it needed to be addressed. She went on to say that she did not have a problem helping out the County Commissioner.

Mr. Blattie clarified for the Committee that the land that Valley County was dealing with was land that was defaulted for taxes and had never been sold.

REP. HAWK stated that there was a distinction between real property and personal property. He continued that counties had considerable personal property that was auctioned off.

REP. DEVLIN explained what he envisioned to be county land, and gave some examples.

REP. CARNEY reminded the Committee that when the question had been asked during the hearing they had been advised that the land in question was county land.

**Motion/Vote:** REP. CARNEY moved that SB 393 BE CONCURRED IN.

Motion carried 11-5 by roll call vote with REPS. LASLOVICH, LAWSON and MENDENHALL voting no and with REPS. JACOBSON, CYR and A. OLSON voting aye by proxy and REPS. MORGAN and NOENNIG voting no by proxy.

REP. CARNEY will carry SB 393 on the floor of the House.

***{Tape: 5; Side: A; Approx. Time Counter: 22 - 27.1}***

**ADJOURNMENT**

Adjournment: 7:50 P.M.

---

REP. SCOTT MENDENHALL, Chairman

---

MARI PREWETT, Secretary

MN/LK

**EXHIBIT** (loh69aad)